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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/685,138

Applicant(s)

LEE, JU-HEON

Examiner

TANH Q. NGUYEN

Art Unit

2182

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8, 22-28 and 31-46 is/are pending in the application.
- 4a) Of the above claim(s) 44 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 22-28, 31-43 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. In the reply filed October 24, 2008, applicant requests withdrawal of the election/restriction requirement for claims 44-45 on the ground that claim 44 is essentially a similar variation of claim 25, and that claim 45 is essentially a similar variation of claims 1 and 33.

This is not found persuasive because applicant considers during an interview on January 12, 2009 between the examiner and the attorney for applicant, Kevin T. Roddy (Reg. No. 50,577) that:

claim 44 is a non-obvious variant of claim 25 - because applicant does not consider "absence of a computer readable code on a portable security device" being the same as "password on the security device not matching password in the host computer";

claim 45 is a non-obvious variant of claims 1 and 33 – because applicant does not consider "an integrated circuit memory to store therein data of the data processing system sufficient to substitute for a floppy disk drive thereof" as having the same scope as "an integrated circuit memory for writing/reading data".

The requirement is deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall

set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 41-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 38 recites "wherein the cover has an overall interior opening size that is greater than the overall thickness of the flat ledge". Claim 41 recites "wherein the overall interior opening size of the retractable cover equals the overall thickness of the housing minus the overall thickness of the flat ledge". Claim 42 recites "wherein an overall outer surface thickness of the retractable cover equals the overall thickness of the housing".

With the overall thickness of the flat ledge being A, the overall interior opening size of the cover being B, and the overall thickness of the housing being C - claim 38 suggests that $B > A$, claim 41 suggests that $B = C - A$, and claim 42 suggests that the overall outer surface thickness of the retractable cover is C.

The specification appears to support claim 38 with FIG. 2 and FIG. 4. The specification does not appear to support claim 41 because FIG.2 and FIG. 4 do not support both $B = C - A$ and $B > A$, resulting in $C - A > A$ (i.e. $C > 2A$). Claim 41 is not supported by the specification, essentially because FIG.2 and FIG. 4 suggest C being only slightly larger than A, not larger than 2A. Claim 42 is not supported by the specification because it depends on claim 41 – even with the specification supporting the overall outer surface thickness of the cover being C.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-6, 22-24, 33-40, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (US 6,671,808) in view of Powell et al. (US 5,599,196); alternatively over Abbott et al. in view of Powell et al. and Liu (PTO 2007-2593; translation of CN 2032364U); and also alternatively over Abbott et al. in view of Powell et al. and Ellison (US 6,062,881).

6. As per claim 1, Abbott teaches a portable memory device [200, FIG. 1] for a USB-supporting data processing system [102, FIG. 1; col. 5, lines 12-14], the memory device comprising:

a USB connector [602, 604, 606 – FIG. 6H, FIG. 6I] for connection to a USB port [130, FIG. 1] of the data processing system;

an integrated circuit memory [214, FIG. 2A] for writing/reading data [col. 5, lines 64-67]; and

a USB interface [210, FIG. 2A] coupled between the USB connector and the memory, for interfacing the memory with the data processing system [col. 5, lines 55-59].

Abbott does not teach a connector cover elastically biased against an external surface of the portable memory device to cover the USB connector when the portable

memory device is not connected to the USB-supporting data processing system thereby protecting the USB connector from damage, the elastically biased connector cover being slidably retractable over the external surface of the portable memory device to expose the USB connector when connected to the USB port.

Powell teaches a connector cover [14, FIGs. 9-12] elastically biased against an external surface [58 - FIG. 1, FIG. 5] of a device to cover a connector [104, 108 – FIG. 1] when the connector is not connected to a receptacle [FIGs. 9-10] thereby protecting the connector from damage [FIGs. 9-10 would have suggested to one of ordinary skill in the art to prevent external exposure of the connector with a connector cover – hence the connector being protected from damage by contact with other objects when it is inside the connector cover; col. 6, lines 54-56 further suggests using the connector cover in any application where protection is desirable for an item which is being inserted into a mating receiver], the elastically biased connector cover being slidably retractable over the external surface of the device to expose the connector when the connector is connected to the receptacle [FIGs. 11-12].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a connector cover, as is taught by Powell, in order to prevent external exposure of the USB connector and to provide protection to the USB connector when the memory device is not connected to the USB-supporting data processing system - thereby protecting the connector from damage.

Alternatively, Liu teaches a connector cover [13, FIG. 2] elastically biased to cover a connector [8, FIG. 2] when the connector is not connected to a receptacle [FIG.

2; page 3, line 6] thereby protecting the connector from damage [page 3, line 2], the connector cover being slidably retractable against the elastic bias [10, FIG. 2] to expose the connector when the connector is connected to the receptacle [page 5, lines 16-19]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a connector cover having the features suggested by Powell and/or Liu, in order to protect the USB connector from being damaged and to prevent external exposure of the USB connector when the memory device is not connected to the USB-supporting data processing system.

Still alternatively, Ellison teaches a connector cover [60, FIG. 5] elastically biased to cover a connector [50, FIG. 5] when the connector is not connected to a receptacle [FIG. 3] thereby protecting the connector from damage [FIG. 3 would have suggested to one of ordinary skill in the art to prevent external exposure of the connector with a connector cover – hence the connector being protected from damage when it is inside the connector cover because the connector cover prevents other objects from coming into contact with the connector [Abstract, lines 1-3] and causing damage to the connector], the connector cover being slidably retractable against the elastic bias [75, FIG. 5] to expose the connector when the connector is connected to the receptacle [FIG. 4]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a connector cover having the features suggested by Powell and/or Ellison, in order to prevent external exposure of the USB connector and to prevent objects from coming into contact with the USB connector - thereby protecting the USB connector from damage when the memory device is not connected to the USB-

supporting data processing system.

7. As per claims 2, 4-6, Abbott teaches the memory being a non-volatile semiconductor memory [col. 3, lines 32-39];

the memory device being a portable memory device of the data processing system [col. 3, lines 32-39];

the memory device supporting a plug and play function, and the USB connector being capable of being connected and separated to/from the USB port of the data processing system while the data processing system is powered on [Hot swappable, and plug and play are characteristics of USB devices];

the memory device storing a security information [col. 3, lines 32-39];

8. As per claim 22-24, Powell teaches a spring [30, FIG. 1] coupled between the connector cover [14, FIG. 1] and a housing [16, 18 - FIG. 8] of the connector; the spring being compressed upon connecting the connector [FIGs. 11-12]; and the cover having a ridge [24, FIG. 1] protruding from a slide portion [20, FIG. 1] of the cover that engages a concave groove [44/46, FIG. 1] in the housing enabling the cover to slide forwards and backwards with respect to the housing [FIGs. 9-12].

9. As per claim 33, Abbott teaches a portable memory device for a USB-supporting data processing system, the memory device comprising: a USB connector to be connected to a USB port of the data processing system; an integrated circuit memory for writing/reading data; and a USB interface coupled between the USB connector and the memory, for interfacing the memory with the data processing system (see rejection of claim 1 above).

Abbott does not teach a retractable cover having a rectangular cross-section surrounding the USB connector, the retractable cover being elastically biased against an outer surface of the USB connector to protect the USB connector from damage when the portable memory device is not connected to the USB-supporting data processing system.

Powell teaches a retractable cover [14, FIGs. 9-12] having a rectangular cross-section surrounding a connector [14, FIG. 1; col. 6, lines 47-53], the retractable cover being elastically biased against an outer surface [58 - FIG. 1, FIG. 5] of the connector to protect the connector from damage when the connector is not connected to a receptacle (see teachings of Powell in the rejection of claim 1 above).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a retractable cover, as is taught by Powell, in order to prevent external exposure of the USB connector and to protect the USB connector from damage when the portable memory device is not connected to the USB-supporting data processing system.

Alternatively, Liu teaches a retractable cover [13, FIG. 2] elastically biased to protect a connector [8, FIG. 2] from damage [page 3, line 2] when the connector is not connected to a receptacle [FIG. 2; page 3, line 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a retractable cover having the features suggested by Powell and/or Liu - to protect the USB connector from damage and to prevent external exposure of the USB connector when the portable memory device is not connected to the USB-supporting data processing system.

Still alternatively, Ellison teaches a retractable cover [60, FIG. 5] elastically biased to protect a connector [50, FIG. 5] when the connector is not connected to a receptacle [FIG. 3] thereby protecting the connector from damage (see teachings of Ellison in the rejection of claim 1 above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a retractable cover having the features suggested by Powell and/or Ellison, in order to prevent external exposure of the USB connector and to prevent objects from coming into contact with the USB connector - thereby protecting the USB connector from damage when the portable memory device is not connected to the USB-supporting data processing system.

10. As per claim 34, Powell teaches a flat ledge [60, FIG. 1] and the retractable cover being a retractable sliding cover [FIGs. 9-12], the retractable sliding cover when retracted sliding onto the flat ledge to accommodate the retractable sliding cover while permitting exposure of the connector sufficient to be connected to a receptacle [FIGs. 11-12], the retractable cover covering the connector when not retracted [FIGs. 9-10].

11. As per claims 35-36, Abbott teaches a housing [200, FIG. 6J] to accommodate the memory and the USB interface [FIG. 2A].

12. As per claims 37-38, Powell teaches the flat ledge having an overall thickness less than an overall thickness of a housing [18, FIG. 1] and the flat ledge being attached to the connector at an end thereof and to the housing at another end thereof [FIGs. 9-12], and the cover having an overall interior opening size that is greater than the overall thickness of the flat ledge [FIGs. 9-12].

13. As per claim 39, Powell teaches the flat ledge comprising a spring or a groove

[FIGs. 9, 11]; the cover, the housing, and the flat ledge having a rectangular cross-sectional shape [FIGs. 1-8]; and Abbott teaches the housing and the USB connector having a rectangular cross-sectional shape.

14. As per claims 43, 40, Abbott teaches a hole formed through the housing, the hole having an oval shape [228, FIG. 2A].

15. Claims 1, 7-8 are rejected under 35 U.S.C. 103(a) as being obvious over Miller (US 6,038,320) in view of Powell et al. (US 5,599,196); alternatively over Miller in view of Powell et al. and Liu; and also alternatively over Miller in view of Powell et al. and Ellison.

16. As per claim 1, Miller teaches a portable memory device [FIG. 3] for a USB-supporting data processing system [20, FIG. 2], the memory device comprising:
a USB connector [48, FIG. 3] for being connected to a USB port [31, FIG. 2; col. 2, lines 60-63] of the data processing system;
an integrated circuit memory [46, FIG. 3] for writing/reading data; and
a USB interface [42, FIG. 3] coupled between the USB connector and the memory, for interfacing the memory with the data processing system.

Miller does not teach a connector cover elastically biased against an external surface of the portable memory device to cover the USB connector when the portable memory device is not connected to the USB-supporting data processing system thereby protecting the USB connector from damage, the elastically biased connector cover being slidably retractable over the external surface of the portable memory device to expose the USB connector when connected to the USB port.

Powell teaches a connector cover [14, FIGs. 9-12] elastically biased against an external surface [58 - FIG. 1, FIG. 5] of a device to cover a connector [104, 108 - FIG. 1] when the connector is not connected to a receptacle [FIGs. 9-10] thereby protecting the connector from damage [FIGs. 9-10 would have suggested to one of ordinary skill in the art to prevent external exposure of the connector with a connector cover - hence the connector being protected from damage by contact with other objects when it is inside the connector cover; col. 6, lines 54-56 further suggests using the connector cover in any application where protection is desirable for an item which is being inserted into a mating receiver], the elastically biased connector cover being slidably retractable over the external surface of the device to expose the connector when the connector is connected to the receptacle [FIGs. 11-12].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a connector cover, as is taught by Powell, in order to prevent external exposure of the USB connector and to provide protection to the USB connector when the memory device is not connected to the USB-supporting data processing system - thereby protecting the connector from damage.

Alternatively, Liu teaches a connector cover [13, FIG. 2] elastically biased to cover a connector [8, FIG. 2] when the connector is not connected to a receptacle [FIG. 2; page 3, line 6] thereby protecting the connector from damage [page 3, line 2], the connector cover being slidably retractable against the elastic bias [10, FIG. 2] to expose the connector when the connector is connected to the receptacle [page 5, lines 16-19]. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to add a connector cover having the features suggested by Powell and/or Liu, in order to protect the USB connector from being damaged and to prevent external exposure of the USB connector when the memory device is not connected to the USB-supporting data processing system.

Still alternatively, Ellison teaches a connector cover [60, FIG. 5] elastically biased to cover a connector [50, FIG. 5] when the connector is not connected to a receptacle [FIG. 3] thereby protecting the connector from damage [FIG. 3 would have suggested to one of ordinary skill in the art to prevent external exposure of the connector with a connector cover – hence the connector being protected from damage when it is inside the connector cover because the connector cover prevents other objects from coming into contact with the connector [Abstract, lines 1-3] and causing damage to the connector], the connector cover being slidably retractable against the elastic bias [75, FIG. 5] to expose the connector when the connector is connected to the receptacle [FIG. 4]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a connector cover having the features suggested by Powell and/or Ellison, in order to prevent external exposure of the USB connector and to prevent objects from coming into contact with the USB connector - thereby protecting the USB connector from damage when the memory device is not connected to the USB-supporting data processing system.

17. As per claims 7-8, Miller teaches the data processing system storing a security information to verify an authorized user , wherein the data processing system boots up only when the security information of the memory device is matched with the security

information stored on the data processing system [150, 200 – FIG. 6; col. 4, lines 51-57; col. 5, lines 8-9].

18. Claims 25-28, 31-32, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Crisan (US 6,292,890), and further in view of Powell et al.; alternatively over Miller in view of Crisan, and further in view of Powell et al and Liu; and also alternatively over Miller in view of Crisan and further in view of Powell et al. and Ellison.

19. As per claim 25, Miller teaches a method for securing a host computer [FIG. 6; FIG. 2 shows a host computer 20 with USB 28], comprising:

applying power to the host computer [100, FIG. 6];

determining whether a USB security device is attached to a USB port on the host computer [130, FIG. 6; col. 4, lines 40-47];

reading a password from the USB security device and comparing the read password with a password stored in the host computer [150, FIG. 6; col. 4, lines 51-57];

preventing the host computer from being booted when the password on the USB security device does not match the password stored in the host computer [160, FIG. 6; col. 4, lines 55-61];

booting up the host computer only when the USB security device is attached to the USB port of the host computer and only when the password stored in the USB security device matches the password stored in the host computer [200, FIG. 6; col. 5, lines 8-11; col. 1, lines 28-30]; and

attaching the USB security device to the USB port of the host computer prior to

when power is applied to the host computer [YES at 130, FIG. 6 suggests that the USB security device is attached prior to power up; YES at 140, FIG. 6 suggests that the USB security device is attached after power up; col. 4, lines 42-51].

Miller does not teach the step of displaying an error message if the USB device is not connected or when the security information does not match. Crisan teaches that it is common for error to be displayed for error encountered during the boot up process [background: col. 1, line 46 to col. 2, line 22].

It would have been obvious to one having ordinary skill in the art to implement the teaching of displaying an error message when an error is encountered during the boot up process, as is taught by Crisan, in order to inform the user of the error encountered during the boot up process in Miller (i.e. when the USB device is not connected or when the security information does not match during the boot up process in Miller).

Miller does not teach the attaching operation comprising automatically sliding a cover that is elastically biased against an external surface of the USB security device backward over the exterior surface of the USB security device in a direction opposite to a direction of inserting the USB security device into the USB port when the USB security device is attached to the USB port of the host computer.

Powell teaches automatically sliding a cover [14, FIGs. 11-12] that is elastically biased against an external surface (58 – FIG. 1, FIG. 5) of a plug backward over the exterior surface of the plug in a direction opposite a direction of inserting the plug into a port when the plug is attached to the port to expose a connector of the plug only when

inserted into the port [FIGs. 11-12], and to cover the connector when the plug is not inserted into the port [FIGs. 9-10] thereby protecting the connector from damage [FIGs. 9-10 would have suggested to one of ordinary skill in the art to prevent external exposure of the connector with a sliding cover the connector being protected from damage by contact with other objects - when it is inside the sliding cover; col. 6, lines 54-56 further suggests using the connector cover in any application where protection is desirable for an item which is being inserted into a mating receiver].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a sliding cover, as is taught by Powell, on the USB security device - hence automatically sliding a cover [14, FIGs. 11-12] that is elastically biased against an external surface (58 – FIG. 1, FIG. 5) of the USB security device backward over the exterior surface of the USB security device in a direction opposite a direction of inserting the USB security device into the USB port of the host computer when the USB connector is attached to the USB port to expose the USB connector only when inserted into the USB port, in order to prevent external exposure of the USB connector and to protect the USB connector.

Alternatively, Liu teaches a connector cover [13, FIG. 2] elastically biased to cover a connector [8, FIG. 2] when the connector is not connected to a receptacle [FIG. 2; page 3, line 6] thereby protecting the connector from damage [page 3, line 2], the connector cover being slidably retractable against the elastic bias [10, FIG. 2] to expose the connector when the connector is connected to the receptacle [page 5, lines 16-19]. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to add a connector cover having the features suggested by Powell and/or Liu, in order to protect the USB connector from being damaged and to prevent external exposure of the USB connector when the memory device is not connected to the USB-supporting data processing system.

Still alternatively, Ellison teaches a connector cover [60, FIG. 5] elastically biased to cover a connector [50, FIG. 5] when the connector is not connected to a receptacle [FIG. 3] thereby protecting the connector from damage [FIG. 3 would have suggested to one of ordinary skill in the art to prevent external exposure of the connector with a connector cover – hence the connector being protected from damage when it is inside the connector cover because the connector cover prevents other objects from coming into contact with the connector [Abstract, lines 1-3] and causing damage to the connector], the connector cover being slidably retractable against the elastic bias [75, FIG. 5] to expose the connector when the connector is connected to the receptacle [FIG. 4]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a connector cover having the features suggested by Powell and/or Ellison, in order to prevent external exposure of the USB connector and to prevent objects from coming into contact with the USB connector - thereby protecting the USB connector from damage when the memory device is not connected to the USB-supporting data processing system.

20. As per claims 26-28, Miller teaches the host computer being booted [200, FIG. 6] when the USB security device is attached to the USB port of the host computer and when the password stored in the USB security device matches the password stored in

the host computer, hence teaches enabling a hard drive in the host computer when the host computer is booted up;

booting up the host computer comprising loading an operating system in the host computer [col. 5, lines 10-11];

the reading and comparing being performed prior to when the host computer is booted up [150 is performed prior to 200, FIG. 6].

21. As per claim 31, see the rejection of claim 1 above. Powell also teaches the connector being slidably retractable against the elastic bias [30, FIG. 1].

22. As per claim 32, the claim generally corresponds to claim 31 and is rejected on the same basis.

23. As per claim 46, the claim generally corresponds to claim 25 with Miller further teaching determining whether the USB security device is attached to the USB port of the host computer prior to loading an operating system [130 prior to 200; col. 5, lines 10-11], preventing the operating system from loading when it is determined that the USB security device is not attached to the USB port of the host computer [200 not reached with NO at 130 and/or NO at 140 - FIG. 6], preventing the operating system from loading when the code on the USB security device does not match the code stored in the host computer [160, FIG. 6], loading the operating system only when the USB security device is attached to the USB port of the host computer and only when the code stored in the USB security device matches the code stored in the host computer [200, when YES at 130 and YES at 150 -FIG. 6; col. 5, lines 10-11]; and attaching the USB security device to the USB port of the host computer prior to the power being

applied thereto (see teaching of Miller in rejection of claim 1 above), the attaching including inserting the USB security device into the USB port and thereby retracting a cover that is elastically biased against a connector and surrounds the connector [FIG. 9-FIG. 12 of Powell] on the USB security device by engaging with a periphery of the USB port responsive to the insertion of the USB security device (see teaching of Miller, Powell, Liu and Ellison and bases of rejection of claim 25 above).

24. Claims 25-28, 31-32, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rallis et al. (US 6,189,099) in view of Crisan, and further in view of Powell et al.; alternatively over Rallis et al. in view of Crisan, and further in view of Powell et al and Liu; and also alternatively over Rallis et al. in view of Crisan and further in view of Powell et al. and Ellison.

25. As per claim 25, Rallis teaches a method for securing a host computer [FIG. 3], comprising:

applying power to the host computer [col. 2, lines 47-58];

determining whether a USB security device is attached to a USB port on the host computer [KEY DEVICE AVAILABLE? – FIG. 3];

reading a password from the USB security device and comparing the read password with a password stored in the host computer [2-3, FIG. 3];

preventing the host computer from being booted when the password on the USB security device does not match the password stored in the host computer [9 with MATCH = NO after step 3 – FIG. 3];

booting up the host computer only when the USB security device is attached to

the USB port of the host computer and only when the password stored in the USB security device matches the password stored in the host computer [col. 2, lines 55-58]; and

attaching the USB security device to the USB port of the host computer prior to when power is applied to the host computer [Abstract, lines 5-7].

See rejections of claims 25-28, 31-32 above for teachings of Criscan, Powell, Liu and/or Ellison and for bases of rejection.

26. As per claims 26-28, 31 and 32, Rallis teaches enabling a hard drive in the host computer only when the USB security device is attached to the USB port of the host computer and only when the password stored in the USB security device matches the password stored in the host computer [5, FIG. 3]; booting up the host computer comprising loading an operating system in the host computer [col. 2, lines 55-58]; and the reading and comparing being performed prior to when the host computer is booted up [col. 2, lines 55-58].

27. As per claim 46, the claim generally corresponds to claim 25 with Rallis further teaching determining whether the USB security device is attached to the USB port of the host computer prior to loading an operating system [col. 2, lines 55-58], preventing the operating system from loading when it is determined that the USB security device is not attached to the USB port of the host computer [9 with KEY DEVICE AVAILABLE = NO, FIG. 3], preventing the operating system from loading when the code on the USB security device does not match the code stored in the host computer [9 with MATCH = NO after step 3 – FIG. 3], loading the operating system only when the USB security

device is attached to the USB port of the host computer and only when the code stored in the USB security device matches the code stored in the host computer [col. 2, lines 55-58; col. 3, lines 63-67]. See rejections of claims 25, 46 above for teachings for teachings of Criscan, Powell, Liu and/or Ellison and for bases of rejection.

Examiner's note: *Examiner has cited particular page, column and line number(s) in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. Applicant needs to consider the references in their entirety as potentially teaching all or part of the claimed invention.*

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and verification of the metes and bounds of the claimed invention.

Double Patenting

28. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

29. Claims 1, 33-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 21, 26, 28, 47-49, 51-56 of copending Application No. 11/410,105. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of claims 1 and 33-42 of the current application can be mapped out with claims 21, 26, 28, 47-49, 51-56 of the copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

30. Claims 2, 4-8, 22-24, 25-28, 31-32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 21, 26-28 of copending Application No. 11/410,105 in view of Miller and/or Abbott. See teachings of Miller and Abbott above.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

31. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANH Q. NGUYEN whose telephone number is (571)272-4154. The examiner can normally be reached on M-F (9:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TARIQ HAFIZ can be reached on (571)272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TANH Q. NGUYEN/
Primary Examiner, Art Unit 2182